

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-41, 43-47, 49-50, 52-62, 64-93, 95-99, 101-102 and 104-114 are pending in the application.

Claims 1, 49, 50, 52, 64, 101, 102, and 104 are sought to be amended to define the claimed invention even more clearly. Claims 53-62 and 105-114 have been amended for clarification. Claims 42, 48, 51, 63, 94, 100 and 103 were previously canceled. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Section 3 of the Office Action rejects claims 43 and 95 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses and submits claims 43 and 95 are definite since a dynamically alterable condition dependent rule may include a "combination of static rules and dynamic rules" and remain dynamic due to the dynamic aspect of the dynamic rules. The combination of static rules and dynamic rules in a dependent rule are recited in original claim 43. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph of claims 43 and 95.

Rejections under 35 U.S.C. § 103

Paragraph 5 of the Office Action rejects claims 1-5, 8-9, 13-17, 19, 26-28, 30, 35-41, 43-47, 49-50, 53, 54, 58-60, 64-69, 71, 78-80, 82, 87-91, 92-93, 95-99, 101-102, 104-106 and 110-112 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,529,985 to Deianov et al. ("Deianov") in view of U.S. Patent Publication No. 2002/0091798 A1 to Joshi et al. ("Joshi"). Applicant respectfully traverses each rejection. As set out below, there are a number of deficiencies with Deianov. Further, Joshi fails to cure these deficiencies such that neither Deianov nor Joshi, whether taken alone or in combination, teach or suggest the claimed invention. For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections.

Claim 1 recites, in part, "evaluating the intercepted service request based on at least one dynamically alterable condition dependent rule." Deianov does not teach or suggest this feature. On page 3 of the Office Action, the Examiner asserts that Deianov teaches "evaluating the service request based on at least one rule (selectively intercept system calls; col. 6, lines 35-45)." Applicant disagrees. However, Applicant has amended claim 1 to clarify that the evaluating based on at least one rule takes place after the service request has been intercepted. Deianov does not evaluate the intercepted service request based on at least one rule. Rather, it is apparent that Deianov is evaluating which system calls to intercept, prior to the interception. The portion of Deianov cited by the Examiner states in Col. 6, lines 35-45:

When a call is made to a system call 115 to be intercepted, the operating system 117 uses the pointer 118 in the interrupt vector table 113 to the interception module 111 to execute the interception module 111.

It is to be understood that in the present invention, not all system calls 115 need be intercepted. Only pointers 114 to system calls 115 to be intercepted are replaced with pointers 118 to the interception module 111. Pointers 114 to system calls 115 which are not to be intercepted are not replaced. Thus, when a non-intercepted system call 115 is made, the system call 115 executes, not the interception module 111.

The above portion of Deianov does not appear to disclose a rule evaluating a service request. Even if a rule is suggested by Deianov, such a rule only applies to determining which system call to intercept, prior to interception. Deianov does not teach or suggest evaluating an intercepted service request based on at least one dynamically alterable condition dependent rule. Joshi fails to cure this deficiency.

On page 3 of the Office Action, the Examiner asserts that Deianov also teaches "evaluating the service request based on ... at least one of a present software system state (examiners [sic] the execution flag 131 ... executing; col. 8, lines 29-31) and a past software system state (the interception module ... wrapper 125; col. 8, lines 16-19). Col. 8, lines 29-31 of Deianov describe an interception module checking an execution flag to determine if the system call wrapper is currently executing. Deianov describes this process in order to explain how the system avoids infinite recursion when the system call wrapper calls the same system call the wrapper was meant to replace. (See Deianov, col. 8, lines 29-46). Accordingly, in this case, the original system call that was made by the process has already been evaluated, and the system call currently being evaluated based on a present software system state was called by the system call wrapper, not by the

software component, as recited in the rejected independent claims. Joshi fails to cure this deficiency.

The Examiner further refers to col. 8, lines 16-19 of Deianov as allegedly teaching evaluating the service request based on a past software system state. However, the above recited paragraphs of Deianov describe a table lookup, wherein the interception module examines an association table to determine if the executing process is associated with a system call wrapper. Accordingly, no evaluation performed here in Deianov is based on a past software system state because the association table contains a current mapping of processes to system call wrappers. Joshi fails to cure this deficiency too.

Furthermore, claim 1 recites, in part, "wherein the at least one dynamically alterable condition dependent rule is alterable while the requesting software component is running." On page 4 of the Office Action, the Examiner states "Deianov does not teach dynamically alterable condition dependent rule." Accordingly, Deianov also does not teach that "the dynamically alterable condition dependent is alterable while the requesting software component is running," as now recited in claim 1. Joshi fails to cure this deficiency.

Furthermore, it does not even appear reasonable for Joshi to alter a condition dependent rule while the requesting software component of Joshi is running. On page 4 of the Office Action, the Examiner describes Joshi's "domain policy rules" in paragraphs 95 and 97 of Joshi and changes to a "policy domain" in paragraph 237 of Joshi. It appears that Joshi's "policy domain rules" would be used for "authentication, authorization, and auditing" (paragraph [0097]). Even if one were to assume for the sake

of argument that Joshi teaches a software component that makes an authentication, authorization or auditing request, it is not reasonable for Joshi to alter a "policy domain rule" while the requesting software component of Joshi is running. In fact, in paragraph 237, lines 4-8, Joshi states "if a change is made (by an administrator, user, or otherwise) to a policy domain or a policy stored on Directory Server 36, any affected first level or second level rules cached in the respective caches of Web Gate 28 and Access Server 34 will become stale data." This suggests that the policy change in Joshi is not performed while the requesting software component is running. Otherwise, it appears Joshi would be implementing stale rules, not a newly altered dynamically alterable condition dependent rule. It is also implausible that a Joshi software component making the authentication, authorization or auditing request would remain running while the cache holding the policy domain rule is flushed and the records synchronized, as described in paragraph 237 of Joshi. Doing so could lead to uncertainty or paralysis of the software component of Joshi making the request.

Accordingly, Joshi and Deianov, whether taken alone or in combination, do not disclose, teach or suggest "evaluating the service request based on at least one dynamically alterable condition dependent rule ... wherein the at least one dynamically alterable condition dependent rule is alterable while the requesting software component is running," as recited in claim 1.

It should be noted that the "evaluating the intercepted service request" is based on (i) "at least one dynamically alterable condition dependent rule ... wherein the at least one dynamically alterable condition dependent rule is alterable while the requesting software component is running," (ii) "an original or modified data in the service request,"

and (iii) at least one present software system state and a past software system (element notation (i)-(iii) added here for purposes of illustration). Neither Deianov nor Joshi, whether taken alone or in combination, teach all of the elements of claim 1. Consequently, independent claim 1 is patentable over Deianov in view of Joshi.

Independent claims 49, 50, 52, 64, 101, 102 and 104 also recite "evaluating the service request based on at least one dynamically alterable condition dependent rule ... wherein the at least one dynamically alterable condition dependent rule is alterable while the requesting software component is running" and are patentable over Deianov in view of Joshi. Dependent claims 2-5, 8-9, 13-17, 19, 26-28, 30, 35-39, 40-41, 43-47, 53-54, 58-60, 65-69, 71, 78-80, 82, 87-91, 92-93, 95-99, 105-106, 110-112 and new claim 116 are likewise patentable for at least the same reasons as the respective claims from which they depend and further in view of their own features.

Accordingly, for at the above reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of independent claims 1, 49, 50, 52, 64, 101, 102 and 104, and corresponding dependent claims 2-5, 8-9, 13-17, 19, 26-28, 30, 35-39, 40-41, 43-47, 53-54, 58-60, 65-69, 71, 78-80, 82, 87-91, 92-93, 95-99, 105-106, and 110-112.

Section 6 of the Office Action rejects claims 6-7 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi further in view of Admitted Prior Art (APA). Applicant respectfully traverses each of the rejections made with respect alleged APA.

Claims 6-7 and 10-12 ultimately depend from independent claim 1. Even assuming, *arguendo*, that the alleged APA relied upon in section 6 of the Office Action

constitutes prior art and may be combined with Deianov and Joshi, this alleged APA still does not overcome all of the deficiencies of Deianov and Joshi relative to claim 1, described above. For at least these reasons, and further in view of their own respective features, claims 6-7 and 10-12 are patentable over Deianov, Joshi, and APA, taken alone or in combination. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 6-7 and 10-12 as set forth in section 6 of the Office Action.

Section 7 of the Office Action rejects claims 20-23, 31-32, 55, 72-75, 83-84, and 107 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi further in view of U.S. Patent No. 6,587,888 to Chieu et al. ("Chieu"). For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections.

Claims 20-23 and 31-32 depend ultimately from independent claim 1, claim 55 depends ultimately from independent claim 54, claims 72-75 and 83-84 depend ultimately from independent claim 64, and claim 107 depends ultimately from independent claim 104. Contrary to the assertion of the Examiner, Chieu does not overcome all of the deficiencies of Deianov and Joshi relative to claims 1, 54, 64, and 104, described above. For at least these reasons, claims 20-23, 31-32, 55, 72-75, 83-84, and 107 are patentable over the combination of Deianov, Joshi, and Chieu.

Claims 20-23, 31-32, 55, 72-75, 83-84, and 107 are also independently patentable. For example, regarding claims 20, 31 and 55, in paragraph 7 of the Office Action, the Examiner asserts that Chieu discloses "allowing code that executes in response to interception of the service request to access alternative data, different from

requested data." Chieu does not disclose, teach, or suggest all of the features recited in claims 20, 31 and 55. Chieu in col. 5, lines 41-43, describes that "control is passed to the interceptor's own access denied function." As access is denied, Chieu does not disclose access to alternative data but rather no data. Claims 72 and 83 recite, in part, "allowing code that executes in response to receipt of the service request to access alternative data, different from requested data." Claims 72 and 83 are patentable for at least the reasons provided for claims 20, 31 and 55.

Furthermore, claims 21 and 73 recite, in part, "the alternative data comprises a copy of at least some requested data." Claims 32 and 84 recite, in part, "the alternative data comprises a copy of at least some data." Chieu does not disclose, teach or suggest the features recited in claims 21, 32, 73 and 84. Chieu's "access denied function" is not a "copy of at least some data" because Chieu does not disclose access to data and, separately, a copy of the data. In regard to claims 21 and 73, Chieu's "access denied function" is certainly not "at least some requested data" as access to the requested data is denied. It is not foreseeable that the requested data would be an access denied function. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 20-23, 31-32, 55, 72-75, 83-84, and 107, as set forth in section 7 of the Office Action, further in view of their own respective features.

Section 8 of the Office Action rejects claims 18, 29, 61, 70, 81, and 113 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi and Chieu further in view of U.S. Patent No. 5,764,985 to Smale ("Smale"). For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections.

Claims 18 and 29 depend ultimately from independent claim 1, claim 61 depends ultimately from independent claim 54, claims 70 and 81 depend ultimately from independent claim 64, and claim 113 depends ultimately from independent claim 104. Smale does not overcome all of the deficiencies of Deianov, Joshi, and Chieu relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in view of their own respective features, claims 18, 29, 61, 70, 81, and 113 are patentable over the combination of Deianov, Joshi, Chieu, and Smale. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 18, 29, 61, 70, 81, and 113 as set forth in section 8 of the Office Action.

Section 9 of the Office Action rejects claims 24-25, 56-57, 76-77, and 108-109 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi further in view of U.S. Patent No. 5,537,548 to Fin ("Fin"). For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection.

Claims 24-25 depend ultimately from independent claim 1, claims 56-57 depend ultimately from independent claim 54, claims 76-77 depend ultimately from independent claim 64, and claims 108-109 depend ultimately from independent claim 104. Fin does not overcome all of the deficiencies of Deianov and Joshi relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in view of their own respective features, claims 24-25, 56-57, 76-77, and 108-109 are patentable over the combination of Deianov, Joshi, and Fin. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 24-25, 56-57, 76-77, and 108-109 as set forth in section 9 of the Office Action.

Section 10 of the Office Action rejects claims 33-34, 62, 85-86, and 114 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Joshi further in view Smale. For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection.

Claims 33-34 depend ultimately from independent claim 1, claim 62 depends ultimately from independent claim 54, claims 85-86 depend ultimately from independent claim 64, and claim 114 depends ultimately from independent claim 104. Smale does not overcome all of the deficiencies of Deianov and Joshi relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in view of their own respective features, claims 33-34, 62, 85-86, and 114 are patentable over the combination of Deianov, Joshi, and Smale. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 33-34, 62, 85-86, and 114 as set forth in section 10 of the Office Action.

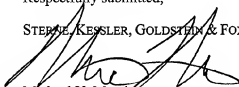
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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